

Commonwealth of *Massachusetts*.

[L. s.] S — ss.

To the Sheriff of Our County of S Greeting.

Whereas We commanded you, by our original Writ Form of an alias writ.
de homine replegiando, that, [*here the original Writ*
de homine replegiando, shall be recited] upon which
 Writ a return was made, that, [*here the return shall be*
recited] whereupon Our Writ of *Withernam* was duly
 issued, commanding you, that [*here the Writ of Withernam shall be recited*] and at our said Court the said *G. H.*
 [*here all the consequent proceedings shall be recited*] where-
 upon, it was considered and adjudged by our said Court,
 that the body of the said *G. H.* should be taken and held,
 untill he shall produce the body of the said *C. D.* and
 untill he shall pay the sum of taxed in costs,
 against him: We therefore command You, that you take
 the body of the said *G. H.* into your custody, and him
 there to hold irreplevisably, in one of our Goals in our
 said County of *S* , untill he shall produce the body
 of the said *C. D.* or is discharged by order of law.
 Witness Esq; at *B* , the day of
 in the year of our Lord Clerk.

And be it further Enacted, that in any stage of the pro-
 ceedings upon process, pursuant to this Act, any person
 shall be permitted to appear for the plaintiff, who will
 stipulate as the Court shall direct, for the payment of all
 costs and damages, that may be awarded against the Plain-
 tiff, although he can produce no special power for that
 purpose.

Any person per-
 mitted to appear
 for the plaintiff,
 who shall stipu-
 late as the Court
 shall direct, &c.

February 19, 1787.

1786. — Chapter 59.

[January Session, ch. 9.]

AN ACT FOR THE MORE SPEEDY AND EFFECTUAL SUPPRES-
 SION OF TUMULTS AND INSURRECTIONS IN THE COMMON-
 WEALTH.

Chap. 59

Whereas in a free Government, where the people have a Preamble.
right to bear arms for the common defence, and the military
power is held in subordination to the civil authority, it is
necessary for the safety of the State, that the virtuous citi-
zens thereof should hold themselves in readiness, and when
called upon, should exert their efforts to support the civil
Government, and oppose the attempts of factious and wicked

men, who may wish to subvert the Laws and Constitution of their Country; and whereas a delay in suppressing tumults and insurrections, in Diverse Counties of the State, has been attended with alarming consequences, such tumults and insurrections having lately grown into the unnatural and dangerous Rebellion, which now exists in the Commonwealth: for the prevention of like consequences in future:

Duty of civil officers in case of an insurrection.

Governour requested to exercise the powers vested in him by the constitution.

Be it Enacted by the Senate, and House of Representatives in General Court assembled, and by the authority of the same, That whenever an Insurrection shall have taken place in either of the Counties of the Commonwealth, to obstruct the Course of Justice, or the due execution of the Laws, or there is reason to apprehend that a dangerous Insurrection for such purposes will be excited, it shall be the duty of the civil Officers, in such County, as well the Sheriff, as the Justices of the several Courts of Judicature, within such County, immediately to give information thereof to his Excellency the Governor, for the time being; who is hereby requested, thereupon, to exercise the powers vested in him by the Constitution, and to give immediate directions to the Major General, or commanding Officer of the Division, where such insurrection exists or is apprehended, and if he shall think it necessary, to the Major General or commanding Officer of any other Division or Divisions, to detach from his or their Division or Divisions, such part of the militia for the support of the civil authority, as he shall judge fully adequate for that purpose, and for the apprehension and safe keeping of those who may be concerned in such insurrection.

If in the opinion of the Sheriff or any two Justices, it is necessary a force should be instantly raised, they shall certify the same to the Major-General, &c.

And Be it further Enacted by the authority aforesaid, that if in the opinion of the Sheriff, or any two of the Justices, either of the Supreme Judicial Court, or the Court of Common Pleas, in any of the Counties of this Commonwealth, it shall be necessary for the suppression of any insurrection existing or apprehended, as aforesaid, in such County, that a force shall be instantly raised and called forth for that purpose; and if by reason of distance, the necessary aid cannot be obtained by order of the Commander in Chief; it shall be the duty of such Sheriff or Justices, to certify the same under his or their hand, to the Major General or commanding Officer of the Division, wherein such County lies, or to the commanding Officer of some Regiment or corps in the vicinity, and to request

him or them to detach the whole, or such number of the militia under the command of such Officer, for the support of the civil authority, as the said Justices or Sheriff may think necessary, to defeat the purposes of such Insurgents, and to apprehend and safely keep them for tryal, and as soon as may be to give notice of such application to the Commander in Chief, that he may take the necessary orders thereupon; and it shall be the duty of such Major General or Commanding Officer, upon such request being made, to detach such number of the militia as shall be requested as aforesaid, armed and equipped according to law; and the militia so detached and collected shall afford their assistance to, and be under the direction of the civil Officer or Magistrate, unless in case of Rebellion declared by the Legislature.

Duty of such
Major-General.

And be it further Enacted by the Authority aforesaid, that if any commissioned Officer of the militia, shall refuse, or wilfully neglect to execute any orders, he may receive from his superior Officer, to make a detachment from the corps under his command, or to march for the support of the civil Authority, or the suppression of any Insurrection as aforesaid, in addition to the punishment which may be inflicted by virtue of any Act for regulating the militia, if convicted thereof before the Justices of the Supreme Judicial Court, he shall be subject to be fined in a sum not exceeding *fifty pounds*, and to be adjudged incapable of sustaining any Office in this Commonwealth, for a term not exceeding ten years; to either or both of the said Penalties, according to the aggravation of the offence, and circumstances of the offender, as to the Justices of the said Court shall seem meet.

Punishment, if
officers of the
militia refuse to
execute orders.

And be it further Enacted, that if any person, whether non-commissioned Officer or private, and belonging either to the train band or the alarm list, who shall be detached or ordered to march for the support of the civil Authority, or the suppression of any Insurrection, existing or apprehended as aforesaid, shall refuse or neglect to march, armed and equipped, in the manner, and at the time, which the Officer by whom he shall be detached shall direct, or shall desert or leave the service before he shall be regularly discharged, if convicted thereof before the Justices of the Supreme Judicial Court, he shall be subject to be fined at the discretion of the said Court, in a sum not exceeding *ten pounds*.

Penalty if non-
commissioned
officers or pri-
vates refuse or
neglect to march,
&c.

Penalty for dis-
suading any mil-
itary officer, &c.
from the duty re-
quired of him.

And be it further Enacted by the Authority aforesaid, that if any person in public or private discourse or conversation, or by any ways or means, shall dissuade or endeavour to prevent any military Officer from performing the duty required of him by this Act, or any person or persons detached or ordered to march for the *purposes* aforesaid, from marching to the place of rendezvous, or from continuing in the service until regularly discharged, each person so offending, being convicted thereof as aforesaid, shall pay a fine to the use of the Commonwealth, not exceeding *fifty pounds*, and shall recognize for his good behaviour for a term not exceeding three years.

Compensation
shall be made to
the militia.

And be it further Enacted by the authority aforesaid, that compensation shall be made to such part of the militia, as may at any time hereafter be detached or employed agreeably to, and for the purposes mentioned in this Act.

February 20, 1787.

1786. — Chapter 60.

[January Session, ch. 10.]

Chap. 60 AN ACT FOR INCORPORATING THE EASTERLY PART OF THE TOWN OF DARTMOUTH, IN THE COUNTY OF BRISTOL, INTO A SEPERATE TOWN, BY THE NAME OF NEW BEDFORD.

Boundaries.

Be it Enacted by the Senate, and House of Representatives, in General Court assembled, and by the Authority of the same, That the lands hereafter described, *to wit*, beginning at a Bridge lying across a stream that runs through the beach, by a place called *Clark's Cove*, thence running northerly as the main branch of the stream runs, till it comes to a little Bridge lying across the Country road, at the foot of a hill about twenty rods to the eastward of the dwelling house, where *James Peckman*, deceased, last dwelt; thence northerly on a streight line to *Nathaniel Spooner's* Saw Mill; from thence northerly on the west side of *Bolton's* cedar Swamp, till it comes to the dividing line between *Dartmouth* and *Freetown*, near the place called *Aaron's* causeway; thence east twenty two degrees and one half north, in the dividing line between said towns, to a Rock, known by the name of *Peaked Rock*; thence southerly by the Country road that leads from *Dartmouth* to *Boston*, one hundred and eight rods, to the south-west corner of *Ebenezer Lewis's* homestead farm; thence east about three hundred rods in the dividing line,